

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CONSOLIDATED INDUSTRIES, LLC
d/b/a WEATHER KING PORTABLE
BUILDINGS,

Plaintiff,

v.

JESSE A. MAUPIN, BARRY D.
HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L.
GILLESPIE, RYAN E. BROWN,
DANIEL J. HERSHBERGER, BRIAN
L. LASSEN, ALEYNA LASSEN, and
AMERICAN BARN CO., LLC,

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

District Judge Anderson

Magistrate Judge York

UNOPPOSED MOTION FOR LEAVE TO FILE REPLY BRIEF

Defendants Jesse A. Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagin, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (the “ABCO Defendants”), by and through their undersigned counsel, request leave to file a reply brief in support of their motion for leave to amend their answer and affirmative defenses, pursuant to Local Rule 7.2(c). Counsel have conferred and this motion is unopposed.

On May 22, 2025, the ABCO Defendants filed a motion for leave to amend their answer and affirmative defenses, with the only proposed change being the addition of one affirmative defense: failure to mitigate damages. (D.E. 217.) Plaintiff Weather King filed its response in opposition on June 5, containing factual and legal arguments that the ABCO Defendants wish to address in a brief reply. Specifically, Weather King makes several factual misstatements in its response brief

based on speculation regarding the basis for the opinions of the ABCO Defendants' expert witness. The ABCO Defendants' proposed reply brief and the declaration attached thereto specifically refute Weather King's unsupported assumptions and thus undercut Weather King's argument that the ABCO Defendants have not exercised diligence. The ABCO Defendants therefore respectfully submit that the Court's decisional process will be significantly aided by allowing them to file the attached reply.

Additionally, the ABCO Defendants have complied with Local Rule 7.2(c) by filing this motion within seven days of the filing of Weather King's response, and Weather King does not oppose this motion.

For the reasons discussed above, the Court should grant this motion and allow the ABCO Defendants to file on the docket the attached reply.

Date: June 12, 2025

Respectfully submitted,

/s/ Benjamin S. Morrell

Thomas G. Pasternak (admitted pro hac vice)

Benjamin S. Morrell (TBPR No. 35480)

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*Counsel for Defendants Maupin, Harrell, Harrod,
Feagin, Gillespie, Brown, Hershberger, and American
Barn Co., LLC*

CERTIFICATE OF CONSULTATION

In accordance with Local Rule 7.2(a)(1)(B), I certify that counsel for the ABCO Defendants conferred with counsel for Plaintiff via email on June 12, 2025, regarding this motion, and Plaintiff's counsel responded that Plaintiff does not oppose the relief requested in this motion.

Date: June 12, 2025

/s/ Benjamin S. Morrell

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I filed the foregoing document with the Clerk of the Court using the Court's CM/ECF filing system, which will send notice of such filing to all counsel of record. I further certify that on the date listed below, I sent the foregoing document to the following individuals at the address listed below via U.S. Mail first-class, postage prepaid, and via email at the email address listed below:

Aleyna Lassen
Brian L. Lassen
1405 N. Fort Grant Road
Willcox, AZ 85643
willcoxbuildings@pm.me

Date: June 12, 2025

/s/ Benjamin S. Morrell